

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CRUZ GONZALES, JR., ID # 1503245,

Plaintiff,

VS.

LEW STERRETT DALLAS COUNTY
JAIL, et al.,

Defendant.

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Civil Action No. 3:08-CV-1510-D

ORDER

On October 21, 2008 the magistrate judge recommended that the court summarily dismiss plaintiff's claims against Lew Sterrett Dallas County Jail, Internal Affairs Dallas County Sheriffs Department, and the Medical Department Lew Sterrett County Jail with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) because they are non-jural entities that are not subject to suit. The magistrate judge further recommended that the court summarily dismiss plaintiff's claims against the unidentified Dallas Sheriffs Detention Guards and Lew Sterrett Dallas County Jail Grievance Officers without prejudice for lack of personal jurisdiction.

On October 29, 2008 the court received a "motion to appeal notice," which the court construes as plaintiff's objections to the magistrate judge's recommendation. Within that motion, plaintiff also seeks appointment of counsel and an order compelling certain defendants to identify the other defendants.

After making an independent review of the pleadings, files, and records in this case, the findings, conclusions, and recommendation of the magistrate judge, and plaintiff's objections, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Treating plaintiff's "motion to appeal notice" as his objections, the court overrules them. The court also denies his requests for appointed counsel and for an order directing certain defendants to identify the other defendants. The dismissal of the claims against the unidentified defendants is without prejudice to plaintiff's timely filing a new action after he obtains necessary identifying information. The dismissal of those claims is not effectively with prejudice, because they are not at this point time-barred.

SO ORDERED.

November 13, 2008.


SIDNEY A. FITZWATER
CHIEF JUDGE